

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

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67 Merchants Row  
Post Office Box 6648  
Rutland, Vermont 05702-6648  
Tel. (802) 776-2000  
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Clerk of Court  
Thomas J. Hart

**CLERK'S  
ANNOUNCEMENT  
00-108**

**TO: Court Users**  
**FROM: Thomas J. Hart**  
**DATE: October 5, 2000**  
**RE: Electronic Bankruptcy Noticing**

The U.S. Bankruptcy Court, District of Vermont (USBC-VT), is pleased to announce Electronic Bankruptcy Noticing (EBN), a faster and more efficient way for court users to receive bankruptcy notices, including signed and docketed orders. EBN allows court users to receive bankruptcy notices overnight via fax or e-mail to their offices. As explained in Clerk's Announcement 00-107, Distribution of Court Orders, court users who do not wish to use EBN may still receive notices via the U.S. Mail. However, delivery time will be four to five days, as notices will be mailed from the Bankruptcy Noticing Center (BNC) in Maryland.

Attached to this announcement are brief guidelines to EBN service. To subscribe to EBN, please complete the forms at the back of the guidelines and return them to:

**Kelly M. Chitwood**  
**United States Bankruptcy Court, District of Vermont**  
**P.O. Box 6648**  
**Rutland, VT 05702-6648**

For more details about EBN, please visit the EBN website on the Internet at [www.ebnuscourts.com](http://www.ebnuscourts.com), where a downloadable copy of the *Electronic Bankruptcy Noticing Phase II Implementation Guide* is available. A copy of this publication is also available from Kelly M. Chitwood at the USBC-VT. Ms. Chitwood may be reached from 8:30 a.m. to 1:30 p.m. at 802-776-2012. Additionally, she may be contacted by fax at 802-776-2020 or by e-mail at [kelly\\_chitwood@vtb.uscourts.gov](mailto:kelly_chitwood@vtb.uscourts.gov).

# **ELECTRONIC BANKRUPTCY NOTICING VIA THE BANKRUPTCY NOTICING CENTER**

## **Abbreviated Guidelines by the U.S. Bankruptcy Court, District of Vermont**

### **I. Introduction**

Electronic Bankruptcy Noticing (EBN) is the result of a nationwide effort of the U.S. Bankruptcy Courts to provide more efficient and convenient noticing service to court users and to reduce postage costs. Users of the U.S. Bankruptcy Court, District of Vermont (USBC-VT) may now subscribe to EBN and receive most court notices via electronic means: fax or e-mail. A description of the systems requirements and protocols for both electronic noticing methods follows, and sign-up forms are included in Appendix A.

### **II. Methods of Electronic Noticing**

#### **A. Fax Noticing**

##### **1. Systems Requirements**

The subscriber must have an open fax line and working machine in place for notice transmittals in the evening. Note: Some offices turn off fax machines at the end of the business day. Machines must remain on during the evening hours to take advantage of fax noticing.

##### **2. Protocols**

###### **a. Trial Period**

The BNC will confirm that the subscriber's fax number and machine are working. Fax service will begin approximately two weeks after the **Noticing Agreement (see Section III, A)** is returned to the BNC. As a safety measure, the BNC will continue to send paper notices, in addition to faxed notices, for the first 30 days of fax service. Once the 30 days have expired, all notices will be sent electronically, without further notice to the subscriber.

###### **b. Transmittal Format**

The BNC will include one cover sheet per recipient for all notices from the same district, showing the name and address of the recipient, case number, court form code, originating court, date, and the total number of pages included in the fax, followed by the actual notices. No fax will exceed 30 pages. If the entire transmittal exceeds 30 pages, it will be broken into segments, with

no fax segment containing more than 30 pages. However, If a single notice exceeds 30 pages, that particular notice will be mailed, not faxed.

**c. Transmission Logs**

Confirmation of receipt will consist of a fax log acknowledging successful transmission. The BNC maintains this log; neither the subscriber nor the court is involved.

**d. Transmission Failure Back-up: Notices Mailed**

The BNC will make three attempts to deliver notices by fax. If the initial transmission fails, the transmission will begin again at the cover sheet. If a confirmation of receipt is not received within three attempts, the document will be mailed the following day.

**e. Multiple Transmission Failures: Discontinuation of Service**

Should transmission to the subscriber fail three consecutive evenings (even if those evenings are separated by several days), the service will be terminated without further notice, and only mailed copies will be sent. The subscriber must contact the court EBN coordinator (**Kelly M. Chitwood, 802-776-2012**) or the BNC (**877-837-3424**) to resolve the issue and reinstate service.

**f. Copies**

The BNC will not retransmit notices. The subscriber must contact the court to obtain another copy.

**B. E-Mail Noticing**

**1. Systems Requirements**

The subscriber must have an Internet connection and an e-mail account. The e-mail **provider** must have a Delivery Status Notification (DSN) feature. DSN provides confirmation to the BNC that the notice was delivered to the subscriber's mailbox. DSN is required by Federal Rule of Bankruptcy Procedure 9036 and assures both the subscriber and the court that notices are successfully delivered.

It is important to differentiate between e-mail providers and e-mail programs. Almost every e-mail program can be set up to send a confirmation receipt; however, this is a user-controlled feature that may or may not be activated. When the e-mail **provider** offers DSN, the provider controls the feature, and receipts are sent automatically, without any action on the subscriber's part.

Not all e-mail providers are DSN-compliant. Some that are **not** compliant are AOL, Yahoo, MSN, Mindspring, sover.net, together.net, and vermontel.com. For a list of DSN-compliant providers, or to have a current account tested for compliance, please visit the website **[www.ebnuscourts.com](http://www.ebnuscourts.com)**, or call the BNC's toll-free support line, **877-837-3424**.

## **2. Protocols**

### **a. Trial Period**

The BNC will confirm that the subscriber's e-mail account is working and that the provider is DSN-compliant. E-mail service will begin approximately two weeks after the **Noticing Agreement (see Section III, A)** is returned to the BNC. As a safety measure, the BNC will continue to send paper notices, in addition to electronic notices, for the first 30 days of e-mail service. Once the 30 days have expired, all notices will be sent electronically, without further notice to the subscriber.

### **b. Software Requirement**

The subscriber must have Adobe Acrobat PDF reader software Version 4.0 or higher, because notices will arrive as PDF file attachments. This software may be downloaded, free of charge, from the following website:  
**[www.adobe.com/prodindex/acrobat/readstep.html](http://www.adobe.com/prodindex/acrobat/readstep.html)**. When signing up for e-mail noticing service, the subscriber must choose one of the following three delivery options for PDF attachments:

- i. A single e-mail with a single PDF file attachment containing multiple notices. (Example: 25 notices would be sent as one e-mail with one PDF file attachment.)
- ii. A single e-mail for each notice, with one PDF file attachment per e-mail. (Example: 25 notices would be sent as 25 e-mails, each e-mail with one PDF file attachment.)
- iii. An e-mail with multiple PDF file attachments (up to 25), each attachment containing one notice. (Example: 25 notices would be sent as one e-mail with 25 PDF file attachments.)

### **c. Transmission Frequency**

E-mail notices will be transmitted each evening.

**d. Transmission Failure Back-up: Notices Mailed**

If the BNC cannot confirm receipt of delivery for any reason, the notice will be printed and mailed the next day.

**e. Multiple Transmission Failures: Discontinuation of Service**

Should transmission to the subscriber fail three consecutive evenings (even if those evenings are separated by several days), the service will be terminated without further notice, and only mailed copies will be sent. The subscriber must contact the court EBN coordinator (**Kelly M. Chitwood, 802-776-2012**) or the BNC (**877-837-3424**) to resolve the issue and reinstate service.

**f. Deletion of Notices by Internet Service Provider**

The BNC is not responsible for notices that are acknowledged but incorrectly deleted by the subscriber's Internet service provider for any reason; e.g., if the Internet service provider makes an incorrect determination that the notices are unsolicited "junk" e-mail.

**g. Copies**

The BNC will not retransmit notices. The subscriber must contact the court to obtain another copy.

**III. Establishing Electronic Noticing Service**

The subscriber will establish electronic noticing service (either fax or e-mail) through the USBC-VT. To sign up for service, please complete the following forms (included as Appendix A) and return them to Kelly M. Chitwood at the USBC-VT for processing.

**Please note: Items A and B are mandatory; service cannot be established without them. Item C may or may not be required, depending on the configuration of individual law firms. If Item C is not applicable, please return the blank forms to the court with the phrase "Not Applicable" written across the top.**

**A. Local Court Monitoring Agreement - Electronic Bankruptcy Noticing Agreement (Mandatory)**

This is the primary document establishing EBN service. The BNC software will attempt to match the name and address provided on these forms to the address included in the court's notice instructions. The USBC-VT can provide to attorneys and other court users a list of their various name and address configurations that currently are in the court's electronic case management database. Subscribers may contact Kelly M. Chitwood, at **802-776-2012** for this listing.

If necessary, please attach additional names and addresses (spelling variations) by which notices are received. The subscriber's address(es) must contain Zip+4 Zip Codes. These Zip Codes may be found on the Internet at [www.usps.com](http://www.usps.com).

**B. Method of Noticing Sheet (Mandatory)**

The subscriber must **choose one** of the following sheets, based upon which method of service is desired:

1. Facsimile Transmission Sheet

**OR**

2. Internet E-mail with PDF Attachment Sheet

**The subscriber's signature is required on this sheet.**

**C. Evidence of Authority Form (Optional)**

There are two versions of this form (see below), and some subscribers will need to submit at least one of them. Some subscribers will need to submit both. Each version is described below.

1. Evidence of Authority Form - **Authorized Agent**

Subscribers must submit this form when they wish to designate another individual to receive notices on their behalf. For example, if an attorney wants her secretary or paralegal to receive her notices, she must designate these individuals as "Authorized Agents."

This form may be photocopied and submitted for as many individuals as need to be designated Authorized Agents. Typically, this form would apply to notices issued by e-mail rather than to notices issued to a common office fax machine.

## **2. Evidence of Authority Form - Related Names**

Subscribers must submit this form if one of the following is true:

- a.** The subscriber is a multiple-attorney law firm, where many attorneys wish to receive notices at the same fax number or e-mail address.
- b.** The subscriber is a company that wishes to receive notices for a related company, such as a parent or subsidiary company.

This form may be photocopied and submitted for as many names as necessary.

## **IV. Conclusion**

Electronic noticing, whether by fax or e-mail, represents an opportunity to improve significantly the process of noticing in the bankruptcy court by increasing efficiency and reducing paperwork and costs. All court users are strongly encouraged to take advantage of this new technology. However, it is important to be aware that not all notices issued will be processed through the BNC. Those generated by trustees, attorneys, debtors, and some court-generated notices or orders will continue to be mailed to the address of record at the court.

**ELECTRONIC BANKRUPTCY NOTICING**

**APPENDIX A**

**Forms Required to Establish  
Electronic Bankruptcy Noticing Service**

Complete and return to:

Kelly Chitwood  
United States Bankruptcy Court, District of Vermont  
P.O. Box 6648  
Rutland, VT 05702-6648



**United States Bankruptcy Court**  
*District of \_\_\_\_\_*  
**Local Court Monitoring Agreement**  
**Electronic Bankruptcy Noticing Agreement**

(To initiate electronic bankruptcy noticing via fax or Internet e-mail with PDF attachment.)

Company or Law Firm Name of Subscriber: \_\_\_\_\_  
**OR** Individual Name of Subscriber: \_\_\_\_\_

The court is requested to transmit bankruptcy notices electronically through the Bankruptcy Noticing Center (BNC) pursuant to Federal Rule of Bankruptcy Procedure 9036.

This Agreement is provided by the U.S. Bankruptcy Court and may not be altered or changed in any manner. If you, or your company, wish to receive bankruptcy notices from this court electronically instead of through the US mail, please complete this Agreement indicating one of the electronic methods offered and return it to the Bankruptcy Court Clerk's Office - attention EBN Coordinator.

**For Additional Information:** EBN web page [www.EBNuscourts.com](http://www.EBNuscourts.com) and toll free help line 1-877-837-3424

**How the Program Works:**

**Redundant Mode.** Entities that complete and return this form to the clerk's office EBN Coordinator will have EBN service initiated through the court's BNC in approximately two weeks. If you choose the Internet e-mail with a copy of the notice attached in Adobe Portable Document Format (PDF) format method, your e-mail system must return a Delivery Status Notification (DSN) receipt upon notice delivery. For a list of known DSN e-mail providers and a link to download the required free PDF viewer software from Adobe Systems, visit the EBN web page at : <http://www.EBNuscourts.com>. The BNC will initially conduct a test to confirm that your e-mail account will return the required DSN receipt or that the fax number is working. During the first 30 days of EBN service, the BNC will send the notice electronically as well as mail the paper copy to allow you to confirm the process is working properly. Whether fax or e-mail, upon expiration of the 30 day redundant mode (redundant mode begins from the date the BNC sets up your service, not the date of your first EBN notice) all future notices processed by the BNC for this court will only be sent electronically without further notice.

**Name Matching.** The BNC software will attempt to match the name and address provided on this form to the address included in the court's notice instructions. In most cases, the addresses in the court's computer files are provided by the debtor. The BNC software will attempt to match the name (without punctuation) and address and send the notice electronically. If the recipient name and address in the court's notice instructions do not match the name and address on this form, the BNC will mail the notice. If applicable, submit additional names and addresses that debtors designate for you or your company to the court EBN Coordinator. **You must notify the court EBN Coordinator should your e-mail, fax, or names and addresses used for electronic noticing change.**

**In Case of Error.** The BNC maintains a record confirming delivery of the electronic notice. If the BNC is unable to confirm receipt of the delivery for any reason, the notice will be printed and mailed the following day. The BNC will not retransmit notices. Should electronic noticing delivery to you be unsuccessful three consecutive times, the service will be terminated without further notice and only mailed copies will be sent. Please contact the court EBN Coordinator or the BNC to resolve the issue and have electronic noticing service reinstated. Either party may terminate this Agreement without cause by giving the other party written notice.

**NOTE: The BNC does not process all the notices you may receive in a case. Notices generated by trustees, attorneys, debtors, and some court-generated notices or orders will continue to be mailed to the address of record at the court.**

### Facsimile Transmission

Notices are delivered to addresses based on the court's case records, please enter subscriber name and address **EXACTLY** as it appears on current notices. The following information will only be used to set up your account for the name matching process. You may attach additional names and addresses (spelling variations) for which you receive bankruptcy notices.

|   |  |  |
|---|--|--|
| <b>Firm/Company</b><br><br><b>-OR-</b><br><br><b>Individual Name</b>  |  | <b>Fax Number to Receive Notices:</b><br><br>_____<br><br>Fax notices will be grouped up to 30 pages under one cover sheet   |
| <b>Address Line 1</b><br><br><b>Address Line 2</b><br><br><b>Address Line 3</b>   |  | <b>Voice Phone Number:</b><br><br>_____  |
| <b>City, State</b>  |  |  |
| <b>Zip (Zip +4 Required)</b>  |  | To find your 9 digit zip, go to:<br><a href="http://www.usps.com/ncsc/lookups/lookups.htm">www.usps.com/ncsc/lookups/lookups.htm</a>   |
| <i>(For a company/corporation)</i><br>Under penalty of perjury, I the undersigned affirm that I am an authorized officer of the above named company or corporation and I am duly authorized to enter into this agreement on behalf of the named company or corporation; and I affirm that bankruptcy notices for the above named entity, and any attached company names (spelling variations) and addresses, should legally be directed to the named company. I understand that no legal relationship is created between the entity to receive bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as amendments, modifications or substitutions for this information on behalf of this entity.<br><br><b>Name:</b><br><br><b>Signature:</b><br><br><b>Date:</b> |  | <i>(For an individual or trustee)</i><br>Under penalty of perjury, I affirm that bankruptcy notices for my name and addresses provided above, and any attached spelling variations, should legally be directed to my fax number above. I understand that no legal relationship is created between the entity to receive bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as amendments, modifications or substitutions for this information on behalf of this entity.<br><br><b>Signature:</b><br><br><b>Date:</b> |
| <b>Corporate Officer Title:</b><br><b>(If applicable)</b>   |  |  |

(5/25/00)

### Internet E-Mail with PDF Attachment

Notices are delivered to addresses based on the court's case records, please enter subscriber name and address EXACTLY as it appears on current notices. The following information will only be used to set up your account for the name and address matching process. You may attach additional names and addresses (spelling variations) for which you receive bankruptcy notices.

|  |                     |  |
|--|---------------------|--|
| Firm/Company<br>-OR-<br>Individual Name  |                     | <b>E-Mail Address to Receive Notices:</b><br><br>_____   |
| Address Line 1   |                     | Email options: (Check one)<br><input type="checkbox"/> 1 e-mail with 1 attachment containing up to 2 mb, or approximately 25 notices (default)<br><input type="checkbox"/> 1 e-mail with multiple attachments, up to 25 (1 notice per attachment)<br><input type="checkbox"/> individual e-mail message and attachment for each notice   |
| Address Line 2   |                     |  |
| Address Line 3   |                     |  |
| City, State  | Voice Phone Number: |  |
| Zip (Zip +4 Required)  |                     | To find your 9 digit zip, go to:<br><a href="http://www.usps.com/ncsc/lookups/lookups.htm">www.usps.com/ncsc/lookups/lookups.htm</a>   |
| <i>(For a company/corporation)</i><br>Under penalty of perjury, I the undersigned affirm that I am an authorized officer of the above named company or corporation and I am duly authorized to enter into this agreement on behalf of the named company or corporation; and I affirm that bankruptcy notices for the above named entity, and any attached company names (spelling variations) and addresses, should legally be directed to the named company. I understand that no legal relationship is created between the entity receiving bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as future amendments, modifications or substitutions for this information on behalf of this entity.<br><br>Name:<br><br>Signature:<br><br>Date: |                     | <i>(For an individual or trustee)</i><br>Under penalty of perjury, I affirm that bankruptcy notices for my name and addresses provided above, and any attached spelling variations, should legally be directed to my e-mail address above. I understand that no legal relationship is created between the entity receiving bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as future amendments, modifications or substitutions for this information on behalf of this entity.<br><br>Signature:<br><br>Date: |
| Corporate Officer Title<br>(If applicable)   |                     |  |

(5/25/00)

**ELECTRONIC BANKRUPTCY NOTICING**  
**Evidence of Authority Form**  
**Authorized Agent**

*This form must be completed as an attachment to the Electronic Noticing Agreement when electronic notices from a U.S. Bankruptcy Court should be directed to an Authorized Agent of another company.*

Please be advised that pursuant to the Federal Rule of Bankruptcy Procedure 2002(g) \_\_\_\_\_ (subscriber) is the authorized agent to receive bankruptcy notices for the following company (the principal) and its subsidiaries.

**Subscriber must present this form for approval to each bankruptcy clerk's office with which it has an Electronic Noticing Agreement.**

Any combination of names and addresses submitted below will be used to match against the recipient list for a particular notice, and thereby be identified for electronic transmission. The Bankruptcy Noticing Center (BNC) may contact you for an electronic name and address list if 10 or more names and addresses are attached.

Principal company name and any subsidiaries for which bankruptcy notices should be sent to the subscriber/agent: (If necessary, attach additional names)

\_\_\_\_\_  
\_\_\_\_\_

Addresses: (If necessary, attach additional principal company addresses)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Under penalty of perjury, I the undersigned affirm I am an authorized officer of the principal company/corporation \_\_\_\_\_ (principal company name) and I am duly authorized to enter into this electronic noticing agreement on behalf of the named principal company or corporation and all related company names and addresses provided above; and I affirm that bankruptcy notices for the principal company names and addresses above should be directed to the following subscriber/agent company: \_\_\_\_\_ (subscriber/agent) pursuant to the Electronic Noticing Agreement. I understand that no legal relationship is created between the entity to receive bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein. **I understand I have a duty to inform each bankruptcy clerk's office should the subscriber no longer be authorized to receive my company's bankruptcy notices.**

Principal Company Officer Name (print): \_\_\_\_\_ Title: \_\_\_\_\_

Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Officer Phone: \_\_\_\_\_

**For the Court:** \_\_\_\_\_ **District:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Clerk's Office must route to the BNC for implementation.* (1/12/00)

**ELECTRONIC BANKRUPTCY NOTICING**  
**Evidence of Authority Form**  
**Related Names**

*This form must be completed as an attachment to the Electronic Noticing Agreement whenever electronic notices from a U.S. Bankruptcy Court are addressed to a related company, i.e., parent or subsidiary company, of the subscriber company, or individual attorneys of a subscriber law firm, and the notices are to be delivered to a single electronic mail account or fax number.*

Please be advised that \_\_\_\_\_ (subscriber company name/subscriber law firm name) owns, or is a subsidiary of, the following specifically named related companies and /or brand names, or is a law firm subscriber, and that the subscriber is duly authorized to receive, electronic versions of all notices as described in the Electronic Noticing Agreement which are addressed to such related company names or individual attorneys of the subscriber law firm.

This Agreement is provided by the U.S. Bankruptcy Court and may not be altered or changed in any manner. **Subscriber must present this form for approval to each bankruptcy clerk's office with which it has an Electronic Noticing Agreement.** Any combination of names and addresses submitted below will be used to match against the recipient list for a particular notice and thereby be identified for electronic transmission. The BNC may contact you for an electronic name and address list if 10 or more names and addresses are attached.

**Related Names: (If necessary, attach additional names and address)**

\_\_\_\_\_  
\_\_\_\_\_

**Related Addresses: (Zip + 4 required)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Under penalty of perjury, I the undersigned affirm I am an authorized officer of the above named subscriber company, corporation or law firm and I am duly authorized to enter into this electronic noticing agreement on behalf of the named subscriber company, corporation or law firm and all related names provided for by this agreement; and I affirm that bankruptcy notices for the related names and addresses provided above should be directed to the named subscriber. I understand I am solely responsible for the accuracy of the name and address information provided and that neither the U.S. Courts nor the Bankruptcy Noticing Center (BNC) will be held responsible for any loss, damage or inconvenience caused as a result of any inaccuracy or error in the provided information. I understand that no legal relationship is created between the entity to receive bankruptcy notices herein and the BNC or the court by this election or submission of this form. **I understand I have a duty to inform each bankruptcy clerk's office should the subscriber no longer be the legal recipient of the bankruptcy notices for any of the related names or addresses submitted above.**

By Subscriber (company/law firm name): \_\_\_\_\_

Name (print): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

**For the Court:** \_\_\_\_\_ **District:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Clerk's Office must route to the BNC for implementation. (3/31/00)*